IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3698 of 1990

For Approval and Signature:

Hon'ble MR.JUSTICE A.L.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

GHANSHYAM GAJANANBHAI

Versus

GENERAL MANAGER

Appearance:

1. Special Civil Application No. 3698 of 1990

MR RN SHAH for Petitioner No. 1-21

MR UDAY BHATT, AGP, for Respondent No. 1-2

CORAM : MR.JUSTICE A.L.DAVE

Date of decision: 07/02/2003

ORAL JUDGEMENT

1. The petitioners herein have, by this petition under Article 226 of the Constitution of India, prayed for a writ of mandamus or any other appropriate writ, direction or order, directing the respondents to absorb the petitioners permanently on permanent posts by quashing and setting aside the action of the respondents in nature of terminating/relieving the petitioners. The petitioners were appointed on purely temporary/ad-hoc

basis on the post of Enumerator. The appointment letter clearly indicated that the appointment was purely temporary and ad-hoc and subject to termination without assigning any reasons and without notice, and that the appointment was only for a period of six months. Their services came to be terminated/the petitioners came to be relieved by virtue of order dated the 31st May, 1990, which prompted them to prefer this petition on the 5th July, 1990.

2. Having regard to the above factual aspects and the law, as settled, the petitioners are not entitled to the reliefs that they have sought. They cannot seek any mandate from this Court for their appointment on permanent posts when their appointment was temporary and when they have approached the Court after about a month from the date of termination. Differently put, on the date of employment, they were not in employment. The appointment was for a fixed period. Having regard to all these aspects, there is no substance in the petition and, therefore, the petition deserves to be dismissed.

3. The petitioners have also prayed for a mandate from this Court to quash and set aside the action of the respondents in deducting the amount of Rs.42,340/- from the salary of the petitioners and/or for refund of the said amount. In view of the fact that the Court has come to a conclusion that the petitioners have no right to claim employment, this consequential relief cannot be entertained. The petition is dismissed. Rule is discharged with no order as to costs.

[A. L. DAVE, J.]

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